

Application No. 10/763,574
Response Dated August 17, 2005
Reply to Office Action of August 1, 2005

REMARKS/ARGUMENTS:

Responsive to the Restriction Requirement dated August 1, 2005, the invention of Claims 1-20, drawn to a device (Group I), is elected for further examination.

The restriction requirement is traversed. The rationale for imposing restriction is that the device was a product as claimed (e.g. Claim 1) could be assembled before or after implantation.

However, the method Claims 21 and 23 do not recite whether assembly be before or after implantation and thus likewise encompasses being assembled "before or after implantation." Indeed, dependent Claim 22 would not likely further limit Claim 21 if Claim 21 were confined to require full assembly to occur after implantation.

Thus, the rationale for imposing restriction does not correlate to the recited claim scope.

The applicant provisionally elects species of set A regarding Figs. 1-8. for further examination.

The following claims are readable on set A: Claims 1-6, 9, 14-17 as well as Claims 21-23.

With respect to Claim 9, refer to page 11 lines 2-4 and with respect to Claims 14-17, refer to Figs. 1-5.

Consideration on the merits is requested.


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CORRESPONDENCE AND FEES:

In the event that there are fees necessitated by this response, authorization is hereby given to charge Deposit Account No. 03-3839. Please address all correspondence to Intellectual Property Docket Administrator, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, One Riverfront Plaza, Newark, NJ 07102-5497. Should there be any questions or other matters that may be resolved by a telephone call, the Examiner is invited to contact the applicants' undersigned attorney at the number below. Any communications should be sent directly to him at the number below.

Respectfully submitted,

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